

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RITTENHOUSE ENTERTAINMENT, INC.;
THE MINES, INC.; G NET COMM. CO.;
PHOENIX ESTATES; and THOMAS J.
GRECO;

CIVIL ACTION NO. 3:11-617

Plaintiffs,

(JUDGE CAPUTO)

v.

CITY OF WILKES-BARRE; THOMAS
LEIGHTON, *individually and as Mayor of
Wilkes-Barre*; GERALD DESOYE,
*individually and as Chief of Police of
Wilkes-Barre*; J.J. MURPHY, *individually
and as City Administrator of Wilkes-Barre*;
TONY THOMAS, JR., KATHY KANE,
WILLIAM BARRET, RICK CRONAUER,
and MICHAEL MERRITT, *individually and
as Members of the Wilkes-Barre City
Council*; BUTCH FRATI, *individually and
as Director of Operations of Wilkes-Barre*;
LUZERNE COUNTY; MICHAEL
SAVOKINAS, *individually and as Luzerne
County Sheriff*; KING'S COLLEGE; and
FATHER THOMAS J. O'HARA, ROBERT
MCGONIGLE, PAUL LINDENMUTH, and
JOHN MCANDREW, *individually and as
Officers and Employees of King's College*;

Defendants.

ORDER

NOW, this 16th day of August, 2012, **IT IS HEREBY ORDERED** that:

- (1) The City Defendants' Motion to Dismiss (Doc. 40) is **GRANTED in part and DENIED in part** as follows:
- (a) The §§ 1983 and 1985 claims asserted by Mr. Greco and Rittenhouse in Count I are **DISMISSED with prejudice**.
 - (B) Count II's §§ 1981 and 1982 claims against the City Council members, J.J. Murphy, and Butch Frati, as well as Rittenhouse's § 1985 claim against all City Defendants, are **dismissed with prejudice**.
 - (c) The motion to dismiss is otherwise **DENIED**.

- (2) The County Defendants' Motion to Dismiss (Doc. 39) is **GRANTED in part and DENIED in part** as follows:
- (a) The § 1983 claims asserted by Mr. Greco and Rittenhouse and the § 1985 claims asserted by The Mines, Mr. Greco, and Rittenhouse in Count I are **DISMISSED with prejudice.**
 - (b) Count II's claims are **DISMISSED with prejudice.**
 - (c) The motion to dismiss is otherwise **DENIED.**
- (3) The College Defendants' Motion to Dismiss (Doc. 41) is **GRANTED in part and DENIED in part** as follows:
- (a) The §§ 1983 and 1985 claims asserted by Mr. Greco and Rittenhouse in Count I are **DISMISSED with prejudice.**
 - (b) Count II's §§ 1981, 1982, and 1985 claims asserted by Mr. Greco and Rittenhouse are **DISMISSED with prejudice.**
 - (c) The motion to dismiss is otherwise **DENIED.**
- (4) Defendants shall file a response to Plaintiffs' Amended Complaint within **twenty-one (21) days** from the date of entry of this Order.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge